

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL
EXAMINING BOARD**

IN THE MATTER OF:)	Case No.: 20-72
)	
JOLENE CONLEY, DVM)	FINDINGS OF FACT,
Holder of License No. 6629)	CONCLUSIONS OF LAW
)	AND ORDER
For the practice of Veterinary)	
Medicine in the State of Arizona,)	
)	
Respondent.)	

On September 16, 2020 and October 21, 2020, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Jolene Conley, DVM ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of her right to legal counsel by letter, did not participate, waived her appearance, and did not request a continuance in the Informal Interview. Attorney David Stoll appeared on behalf of Respondent. The Board reviewed all documents submitted regarding this matter, took testimony from Ms. Grace Bonacci and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1) for failure to use current professional and scientific knowledge. After considering all the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order, ("Order").

FINDINGS OF FACT

1. Respondent is the holder of License No. 6629 issued on August 19, 2015, and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

2. On January 15, 2020, "KC," a 3-year-old male domestic shorthair cat was presented to Respondent for possible hairball. Complainant reported that the cat had been coughing for a couple weeks, had been losing weight, and feeling lethargic. Upon exam, the cat had a weight = 8.2 pounds, a temperature = 100.2 degrees, a pulse rate = 150bpm and a respiration rate = 40rpm. Respondent noted that the cat had a tracheal wheezing that obscured the lung sounds; she also noted what felt like fluid in the gastrointestinal tract on abdominal palpation.

3. Upon exam, the cat had a weight = 15 pounds, a temperature = 102.2 degrees, a heart rate = 110bpm and a respiration rate = 60rpm. Respondent noted that the abdomen palpated normal, thoracic auscultation normal and blood work was within normal limits. The cat was administered Plasmalyte 100mLs SQ and Cerenia 6.8mg SQ. The cat was discharged with food samples and Fortiflora packets, #7.

4. Blood work revealed the cat was positive for Valley Fever; Coccid AGID:

IgG – positive Titer: 1:32

5. On January 21, 2020, Respondent returned to the premises and reviewed the lab results which showed the cat was positive for Valley Fever with a 1:32 titer. She contacted Complainant and was advised that the cat was feeling better with the treatment he received. Respondent relayed the blood results and the uncommon occurrence of Valley Fever in cats. She recommended

1 treating with fluconazole and sending a prescription to a compounding
2 pharmacy. Complainant told Respondent that she would like to price shop;
3 therefore, she provided a dose and amount so Complainant could gather
4 accurate price quotes. Respondent further recommended rechecking the cat
5 and Valley Fever titer in six months.

6 6. Respondent gave technical staff instructions to call a prescription of
7 fluconazole to a compounding pharmacy: Fluconazole 155mg, 120 capsules;
8 give 1 capsule orally twice a day with food – 2 refills. Complainant was
9 contacted to be made aware that the prescription had been called in.

10 7. On January 27, 2020, Complainant called Respondent's premise to report
11 that the capsules seemed too bitter for the cat; therefore, Respondent
12 suggested liquid fluconazole. Complainant asked that they have the
13 compounding pharmacy change the spelling of the cat's name as they had
14 the name spelled wrong. Premises staff called in the liquid fluconazole into the
15 compounding pharmacy: Fluconazole 75mg/mL, 90mLs; give 2mL orally or in
16 food twice a day.

17 8. On February 5, 2020, the cat was presented to Dr. Quick at Pantano
18 Animal Clinic due the cat not eating and lethargy. Complainant relayed the
19 cat's history and current treatment. Dr. Quick examined the cat (W = 7.1, T =
20 99.9, P = 160, R = 30) and noted the cat was thin, had increased respiratory
21 sounds, and mild emaciation. He advised Complainant that the current dosage
22 of fluconazole was three times the high-end dosage ranch and recommended
23 stopping the medication. Dr. Quick suggested conservative treatment and
24 rechecking in one week, or sooner, if the cat's condition did not improve or
25 became worse. The cat was administered 150mLs Lactated Ringer's Solution

1 and mirtazapine ¼ of a 7.5mg tablet. Dr. Quick dispensed two additional doses
2 of mirtazapine to give every 3 days.

3 9. According to Dr. Quick's narrative, Complainant was unable to get the
4 liquid or capsule fluconazole into the cat; therefore, he dispensed a pill popper
5 to help with the administration of fluconazole. He encouraged Complainant to
6 get the cat to eat and try to administer the fluconazole along with the
7 mirtazapine. After he reviewed the medical record and radiographs, he would
8 call to see how the cat was doing.

9 10. Later that day, Complainant went to Respondent's premises to get the
10 cat's medical records. She stated that she had requested them three times, but
11 did not get them. Complainant also had the premise's staff confirm that the
12 compounding pharmacy had changed the species to dog from cat in the
13 pharmacy records. The pharmacy thought the species was a dog based on
14 the dosage being high for a cat.

15 11. Dr. Quick stated that he received the medical records, confirmed the
16 diagnosis, and saw the dosage of fluconazole that was prescribed. He was
17 concerned that the dose was higher than normal for a feline.

18 12. On February 7, 2020, Dr. Quick called to check on the cat. Complainant
19 reported that the cat was eating better; thus, he recommended continuing
20 fluconazole twice a day and mirtazapine. Dr. Quick recommended rechecking
21 the cat in four weeks.

22 13. On February 12, 2020, the cat was presented to Dr. Lawton at Pantano
23 Animal Clinic for a recheck. The cat had continued inappetence,
24 nausea/drooling, lethargy and some mild weight loss. Complainant did not stop
25 the fluconazole. Dr. Lawton recommended discontinuing the fluconazole and

1 performing blood work. Due to the cat's dehydration, blood was unable to be
2 collected. The cat was treated with SQ fluids, convenia, famotidine, cerenia
3 and dispensed transdermal mirtazapine. Complainant was to return in one
4 week to have the cat rechecked and have blood work performed to check
5 the liver values.

6 14. On February 13, 2020, the cat was presented to Dr. Lent at Pantano
7 Animal Clinic for increased nausea. Blood was collected and revealed an
8 elevated ALT and GGT due to possible diagnosis of drug hepatopathy. Dr. Lent
9 recommended referral to an internal medicine specialist, but Complainant
10 declined due to financial constraints. The cat was treated with famotidine,
11 cerenia and SQ fluids; as well as denamarin for elevated liver values. If the cat's
12 clinical signs resolved, Dr. Lent recommended restarting fluconazole at 55mg
13 once a day.

14 15. On February 16, 2020, Complainant reported that the cat was much
15 better, eating, and drinking and the nausea had resolved.

17 CONCLUSIONS OF LAW

18 16. The Findings of Fact constitute administrative violation of **A.R.S. § 32-2232**
19 **(12)** as it relates to **A.A.C. R3-11-501 (1)** for failure to use current professional
20 and scientific knowledge; based on formularies reviewed, the cat was started
21 on too high of a dose of fluconazole. If Respondent felt the dosage was
22 necessary based on the cat's condition, the prescription should have been for
23 a shorter period of time, the cat rechecked sooner than six (6) months, and the
24 pet owner should have been informed of the dosage change.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law it is **ORDERED** that Respondent's License, No. 6629 be placed on **PROBATION** for a period of one (1) year, subject to the following terms and conditions that shall be completed within the Probationary period. These requirements include three (3) total hours of continuing education (CE) detailed below:

1. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to the Board that she has completed three (3) hours of continuing education (CE); hours earned in compliance with this order shall not be used for licensure renewal. Respondent shall satisfy these three (3) hours by attending CE in the area of fungal disease and treatment. Respondent shall submit written verification of attendance to the Board for approval.

2. **All continuing education to be completed for this Order shall be pre-approved by the Board.** Respondent shall submit to the Board a written outline regarding how she plans to satisfy the requirements in paragraph 1 for its approval within sixty (60) days of the effective date of this Order. The outline shall include **CE course details** including, **name, provider, date(s), hours of CE** to be earned, and a **brief course summary**.

3. Respondent shall obey all federal, state and local laws/rules governing the practice of veterinary medicine in this state.

4. Respondent shall bear all costs of complying with this Order.

5. This Order is conclusive evidence of the matters described and may be considered by the Board in determining an appropriate sanction in the event a subsequent violation occurs. In the event Respondent violates any term of this Order, the Board may, after opportunity for Informal Interview or Formal

1 Hearing, take any other appropriate disciplinary action authorized by law,
2 including suspension or revocation of Respondent's license.


3
4 **REHEARING/APPEAL RIGHTS**

5 Respondent has the right to petition for a rehearing or review of this Order.
6 Pursuant to A.R.S. § 32-2234 (H) and § 41-1092.09 the petition must be filed with
7 the Board within thirty-five (35) days from the date of mailing if the Order was
8 served via certified mail. Pursuant to A.A.C. R3-11-904 (C), the petition must set
9 forth legally sufficient reasons for granting the rehearing or review. The filing of
10 a petition for rehearing or review is required to preserve any rights of appeal to
11 the Superior Court that the party may wish to pursue.

12 This Order shall be effective and in force upon the expiration of the above
13 time period for filing a motion for rehearing or review with the Board. However,
14 the timely filing of a motion for rehearing or review shall stay the enforcement
15 of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has
16 expressly found good cause to believe that this Order shall be effectively
17 immediately upon the issuance and has so stated in this Order.

18
19 Dated this 26th day of October, 2020.

20 Arizona State Veterinary Medical Examining Board
21 Jim Loughhead
22 Chairman

23
24 By: 
25 Victoria Whitmore, Executive Director

1 Original of the foregoing filed this 26th day of October, 2020
2 with the:

3 Arizona State Veterinary
4 Medical Examining Board
5 1740 W. Adams St., Ste. 4600
6 Phoenix, Arizona 85007

7 Copy of the foregoing sent by certified, return receipt mail
8 this 26th day of October, 2020 to:

9 Jolene Conley, DVM
10 Address on file
11 Respondent

12 Copy of the foregoing sent by regular mail
13 this 26th day of October, 2020 to:

14 David Stoll, Esq.
15 Beaugureau, Hancock, Stoll and Schwartz, PC
16 302 E. Coronado Rd
17 Phoenix, Arizona 85004

18 By: 
19 Board Staff
20
21
22
23
24
25